

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

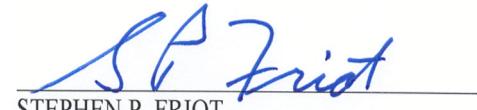
On November 28, 2022, the court entered an order (doc. no. 10) requiring plaintiff El Cruz Logan to show good cause in writing by December 7, 2022, for his failure to effect service of process upon defendants, Anderson (Badge #16) and Oklahoma City University Police, within the 90-day period prescribed by Rule 4(m), Fed. R. Civ. P.

Plaintiff has neither responded to the court's order nor requested an extension of time to respond to it. The court finds that plaintiff has failed to show good cause for his failure to timely effect service of process upon defendants. A mandatory extension of time to effect service of process upon the defendants is thus not required. In addition, the court finds no reason to grant a permissive extension of time to effect service of process upon them. *See, Espinoza v. United States*, 52 F.3d 838, 841-42 (10th Cir. 1995). Consequently, the court finds that plaintiff's complaint and action against defendants should be dismissed without prejudice pursuant to Rule 4(m), Fed. R. Civ. P.

Accordingly, plaintiff El Cruz Logan's complaint and action against defendants, Anderson (Badge #16) and Oklahoma City University Police, is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 4(m), Fed. R. Civ. P.

Plaintiff El Cruz Logan's complaint and action against the other defendants, Dexter Nelson and Mark Lahue, shall continue to proceed.¹ A status and scheduling conference will be set by separate order.

IT IS SO ORDERED this 9th day of December, 2022.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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¹ Defendants, Dexter Nelson and Mark Lahue, were previously served with process by plaintiff and have filed an answer to plaintiff's complaint. *See*, doc. nos. 5, 6, and 9.